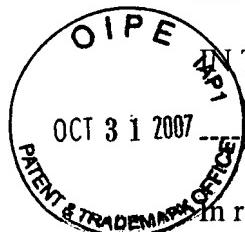


Docket
Tu

Attorney Docket No. 865-002u



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

X

In re Application of

Examiner: Chan Park

Antonacci et al.

Group Art Unit: 2625

Serial No.: 09/664,969

Filed: September 16, 2000

For: SYSTEM AND METHOD FOR AUTOMATICALLY ROUTING
AND STORING CODED INFORMATION AND DISPLAYING
AN INTERACTION DEVICE

X

**PETITION TO REVIVE UNINTENTIONALLY ABANDONED APPLICATION
UNDER 37 CFR 1.137(b)**

Mail Stop Petitions

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

SIR:

In connection with the above identified application, a Final Office Action was mailed on June 14, 2006. A Notice of Appeal was submitted on December 14, 2006. However, the Appeal Brief deadline of July 14, 2007 passed without filing a Appeal Brief. After receiving a Notice of Abandonment, we reviewed the file and discovered that the Appeal Brief was inadvertently not prepared due to a docketing mis-communication. Applicants did not intend for this file to go abandoned.

As such, pursuant to 37 CFR 1.137(b), Applicants hereby submit this Petition to Revive Unintentionally Abandoned Application to revive this application and continue prosecution on the merits.

Pursuant to 37 CFR 1.137(b)(1) the entire required reply is submitted herewith. To this end, attached please see the accompanying Amendment and RCE which are intended to remove the Notice of Appeal and reply to the June 14, 2006 Office Action.

Pursuant to 37 CFR 1.137(b)(2), a check is enclosed for \$750.00 to cover the fee

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\$750.00 00
65-18866
03 FC:2453

Application Serial No. 09/664,969
Petition Filed October 31, 2007

under 37 CFR 1.17(m). Any additional required fees may be charged to deposit account number 19-2825, order number 865-002u.

Pursuant to 37 CFR 1.137(b)(3), Applicants hereby assert that the entire delay in filing this Amendment was unintentional. At all times, the Applicants wished to continue prosecution on this application.

Applicants note that the Notice of Abandonment states in Box 7, a copy of which is attached, that the "attorney stated that inventor expressed that the case be abandoned, and that they wished no further fees to be incurred." ***This is not accurate.*** The Attorney at no time, either on their own, or on behalf of the Applicants, expressed a desire for abandonment. A paralegal working for the Attorney, in response to a telephonic request, noted that the records did not show a response in the file. However, they did not state any reason for this, nor would they have known such a reason. In fact, it was not until after the Notice of Abandonment was received that the reason for the abandonment, stated above, was known. Attorneys or Applicants at no time indicated a desire on the part of the Applicant to abandon the application.

In view of the foregoing, Applicants submit that this Petition is in grantable order and respectfully request that the enclosed application proceed to issue accordingly. If the Petitions officer reviewing this application requires any additional information they are invited to contact the undersigned at the telephone number listed below.

Date: 10/31/07

By:


Joseph Sofer
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EXHIBIT



Notice of Abandonment

Application No.	Applicant(s)	
09/664,969	ANTONACCI ET AL.	
Examiner	Art Unit	
CHAN S. PARK	2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. Applicant's failure to timely file a proper reply to the Office letter mailed on 14 June 2006.
 - (a) A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) No reply has been received.
2. Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) The issue fee and publication fee, if applicable, has not been received.
3. Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) No corrected drawings have been received.
4. The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. The reason(s) below:

The attorney stated that inventor expressed that the case be abandoned, and that they wished no further fees be incurred.

DOUGLAS Q. TRAN
PRIMARY EXAMINER

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.